

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

RONALD LUIS SALAZAR PETITIONER
v. CIVIL ACTION NO. 5:19-cv-142-DCB-MTP
WARDEN SHAWN R. GILLIS RESPONDENT

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on Magistrate Judge Michael T. Parker's Report and Recommendation [ECF No. 11], to which no objections have been filed. Having carefully reviewed the same, the Court finds the Report and Recommendation to be well taken and hereby adopts it as the findings and conclusion of this Court.

Petitioner filed a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, asserting that he had been detained in immigration custody in excess of six months, and wishes to be released. [ECF No. 1]. On March 3, 2020, Respondent filed a Motion to Dismiss arguing the Petitioner's claim is moot because the Petitioner was released from immigration custody under an order of supervision on February 21, 2020. [ECF No. 10]. Notably, the Petitioner failed to respond to the Respondent's motion to dismiss as moot.

As the Petitioner has been granted the relief he sought in his Petition his release from immigration custody the Petition is now moot. See Sanchez v. Attorney General, 146 Fed. App'x 547, 549

(3rd Cir. 2005) (holding that release of an alien from immigration custody rendered his habeas petition moot); Egoroff v. Clark, 2010 WL 4056065, at *3 (W.D. Wash. Aug. 26, 2010) ("Because petitioner has received the relief sought in his habeas petition a bond hearing which resulted in his being granted release under bond in the amount of \$30,000 his petition is now moot and should be dismissed."); Dien Thanh Ngo v. Johnson, 2019 WL 3468909, at *2 (N.D. Tex. July 17, 2019) (release moots a § 2241 petition challenging continued detention pending removal).

The Petition no longer presents a live case or controversy for purposes of satisfying Article III, Section 2 of the United States Constitution. Therefore, it is dismissed as moot.

Accordingly,

IT IS HEREBY ORDERED AND ADJUDGED that Magistrate Judge Parker's Report and Recommendation [ECF No. 11] is ADOPTED as the findings and conclusion of this Court. It is further ordered THAT THE MOTION TO DISMISS [ECF No. 10] is GRANTED and that THE PETITION FOR WRIT OF HABEAS CORPUS [ECF No. 1] is DISMISSED with prejudice. [ECF No. 11] A final judgment shall be entered on even date herewith pursuant to Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this the 10th day of June, 2020.

/S/ David Bramlette

UNITED STATES DISTRICT JUDGE